

# REISSUE LITIGATION

## IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :  
JACQUES QUELLAIS ET AL. : GROUP ART UNIT:  
REISSUE OF USP 6,079,125 :  
ISSUED: JUNE 27, 2000 : EXAMINER:  
FOR: MULTILAYER SOLE  
FOR SPORT SHOES

### DECLARATION UNDER 37 C.F.R. 1.175 AND CONSENT OF ASSIGNEE

HONORABLE COMMISSIONER OF PATENTS & TRADEMARKS  
WASHINGTON, D.C. 20231

SIR:

We, the undersigned inventors hereby declare that:

1. Our residence, Post Office address and citizenship are stated below next to our names.

2. We believe that we are the original, first and joint inventors of the invention entitled MULTILAYER SOLE FOR SPORT SHOES described and claimed in Letters Patent No. 6,079,125 issued on June 27, 2000 from original Application No. 08/319,096 filed on October 6, 1994 and described and claimed in the foregoing specification.

3. We hereby claim priority benefit under Section 120 of Title 35 United States Code of US Patent Application 07/995,083 filed on December 22, 1992 and now abandoned. We also hereby claim foreign priority benefits under Section 119 of Title 35 United States Code of French Patent Application 91-16275 filed on December 24, 1991.

4. We have reviewed and understand the contents of the above mentioned specification, including the claims, as amended by any amendment specifically referred to in the present declaration.

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5. We acknowledge the duty to disclose information known by us to be material to the patentability of this application as defined in Section 1.56 of 37 C.F.R.

6. We verily believe the original patent to be wholly or partly inoperative or invalid by reason of our claiming more or less than we had a right to claim in the patent.

7. All of the errors resulting in our claiming more or less than we had a right to claim arose without any deceptive intention.

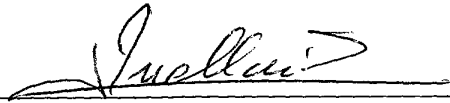
8. A first error resulting our claiming more or less than we had a right to claim is failure to include new Claim 28 corresponding to original patent claim 1, but instead of reciting that the intermediate layer extends over an entire surface of said ground contact layer, recites that the intermediate layer extends over substantially an entire surface of said ground contact layer which is located directly beneath a foot of a person wearing the sport shoe.

9. A second error resulting our claiming more or less than we had a right to claim is failure to include new Claim 29 corresponding to original patent claim 1, but instead of reciting that the intermediate layer extends over an entire surface of said ground contact layer, recites that the intermediate layer extends over at least a surface of said ground contact layer which is directly beneath a lateral portion of a heel of a person wearing the sport shoe.

10. We hereby revoke all prior powers of attorney and appoint Norman Oblon, Reg. No. 24,618; Marvin J. Spivak, Reg. No. 24,913; C. Irvin McClelland, Reg. No. 21,124; Gregory J. Maier, Reg. No. 25,599; Arthur I. Neustadt, Reg. No. 24,854; Richard D. Kelly, Reg. No. 27,757; James D. Hamilton, Reg. No. 28,421; Eckhard H. Kuesters, Reg. No. 28,870; Robert T. Pous, Reg. No. 29,099; Charles L. Gholz, Reg. No. 26,395; William E. Beaumont, Reg. No. 30,996; Jean-Paul Lavalleye, Reg. No. 31,451; William B. Walker, Reg. No. 22,498; Stephen G. Baxter, Reg. No. 32,884; Richard L. Treanor, Reg. No. 36,379; Steven E. Lipman, Reg. No. 30,011; and James J. Kulbaski, Reg. No. 34,648. as attorneys for patent owner, with full powers of substitution and revocation, to prosecute the above referenced request for reexamination and transact all business in the Patent and Trademark Office in connection with the above referenced patent. It is further requested that all

correspondence regarding the above referenced patent be sent to the firm of OBLON,  
SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C. whose Post Office Address is:  
Fourth Floor, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

11. The undersigned declare further that all statements made herein of their own  
knowledge are true and that all statements made on information and belief are believed to be  
true; and further that these statements were made with the knowledge that willful false  
statements and the like so made are punishable by fine or imprisonment, or both, under  
Section 1001 of Title 18 of the United States Code and that such willful false statements may  
jeopardize the validity of this application or any patent issuing thereon.

X   
JACQUES QUELLAIS

Residence: 19 Chemin des Vigierons  
74410 Saint Jorioz


Citizenship: FRENCH

Post Office Address: SALOMON S.A.

74996 ANNECY Cedex 9 - FRANCE

Date: 19 Novembre 2001

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Citizenship: FRENCH

Post Office Address: SALOMON S.A.

74996 ANNECY Cedex 9 - FRANCE

Date: 19 Novembre 2001

CONSENT OF ASSIGNEE


U.S. patent 6,079,125, issued on June 27, 2000 to Quellais et al has been assigned to SALOMON S.A. of FRANCE, which is the complete assignee of the above-referenced patent, by an assignment recorded at Reel 6368, Frame(s) 841. The undersigned herein certifies that he has reviewed the assignment recorded at said reel and frame, and that to the best of his knowledge and belief title is in the above-noted assignee. The undersigned further certifies that he is an officer of the assignee, SALOMON S.A., having the authority to consent to the reissue patent application, and so consents thereto.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

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SALOMON S.A.

Name Clotilde TURLEQUE

Signature



Title GENERAL COUNSEL

Date 19 novembre 2001

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DOCKET NO: 216196US-30RE

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

IN RE REISSUE APPLICATION OF:

Jacques QUELLAIS, et al.

ORIGINAL PATENT NO: 6,079,125

ISSUED: JUNE 27, 2000

FILED: HERewith

FOR: MULTILAYER SOLE FOR SPORT SHOES

**STATEMENT UNDER 37 CFR §3.73(b)**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

An Assignment was recorded at Reel 6368, Frame 841, establishing ownership of  
Patent No. 6,079,125 to SALOMON S.A. of FRANCE.


The undersigned is empowered to act on behalf of the assignee as indicated by the  
Declaration and Power of Attorney.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



**22850**

  
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Attorney of Record

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